

REMARKS

Claims 1-35 are pending in the present application claims 32-35, having been added by this Amendment. Claims 1, 8, 18, 24 and 32-35 are independent claims.

Allowable Claims

Applicant acknowledges the Examiner's indication that claims 2, 6, 10-13, 17, 20-22 and 26-28 would be allowable if rewritten into independent form.

Objections of the Specification

The Examiner has objected to the abstract of the disclosure because abstract length exceeds 150 words. The abstract has been amended to place it in better form for U.S. practice. Applicant respectfully requests that the Examiner withdraw this objection.

Rejections Under 35 U.S.C. 102

Claims 8, 14-16, 18, 19, 24, 25 and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ruuska. This rejection is respectfully traversed, and is inapplicable to new claims 32-35 as set forth below.

The Examiner alleges that Ruuska teaches all of the features of independent claim 18, see "the first device is anticipated by element 131 of Figure 13; the first and second amplifiers are anticipated by elements 123 of Figure 13; and the second device is anticipated by element 133 of Figure 13." (See Office Action page 5). Ruuska specifically refers to a "common baseband part 131, which feeds the MCPA configuration" (column 11, lines 43-44). Ruuska provides no other description of element 131 in Figure 13.

Accordingly, as shown in Figure 13 and described at column 11, beginning at line 31 in Ruuska, common baseband parts 131 feed the same input signal into two separate transmission branches 134 and 135 so that the signals on the transmitted branches may be amplified at MCPAs 123, and then combined at combiner 133 for

transmissive output via antenna 121. There does not appear to be any indication or description in Ruuska which indicates that the separate signals on the transmission branches 134 and 135A are subject to a composite signal formation process based on, or as a function of, first and second diversity-encoded signals. The only indication of any modification to the signals on branches 134 and 135 is due to the control of the MCPAs 123 and TX branches 134 and 135 (e.g., on/off) based on traffic load and the like, via control interfaces 138-141 (see column 11, lines 50-56). Although the paragraph bridging columns 11 and 12 discusses a power compensation technique so as to maintain a network configuration unchanged (so that there is no traffic loss), this is unrelated to what is recited in independent claims 8, 18 and 24. For at least this reason, Applicants submit that Ruuska does not teach each and every feature recited in claims 8, 18 and 24, as required by 35 U.S.C. § 102.

Applicants thus submit that the “common baseband parts” (element 131) of Figure 13 in Ruuska is not “a first device for forming at least a first composite signal and a second composite signal, as a function of the at least first and second diversity-encoded signals, as recited in independent claims 18 and 24. Claims 19, 25 and 30, dependent upon independent claims 18 and 24, respectively, are allowable over Ruuska at least for the reasons set forth above with respect to independent claims 18 and 24. Withdrawal of the rejection is kindly requested.

Rejections Under 35 U.S.C. 103

Claims 1, 3-5, 7, 9, 23, 29 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ruuska in view of Paulraj. This rejection is respectfully traversed, and is inapplicable to new claims 32-35 as set forth below.

Ruuska discloses an adaptive power management for a node of a cellular telecommunications network. Ruuska suffers similar deficiencies as discussed in the Applicant Admitted Prior Art. The method taught by Ruuska teaches shutting down one of the amplifiers in order to conserve power. The power transmission of the other

amplifier is then increased to accommodate for the loss of the first power amplifier that is shut down, see for example, column 11 of Ruuska:

“[s]till referring to FIG. 13, the total output power of the carrier(s) will decrease by about 6 dB by shutting down one of the MCPAs. This 6 dB power loss includes a 3 dB loss due to turning off an MCPA in a parallel MCPA configuration, and another 3 dB loss due to power loss in the signal combiner circuit. As the total output power of the carrier is reduced by 6 dB, then power compensation may take place in order to keep the network configuration unchanged so as to not lose traffic. The total output power on the remaining MCPA therefore is preferably increased by 6 dB.” (see Ruuska, column 11, lines 57-66).

Referring to the above passage, the application of the signal without transmit diversity in Ruuska is taught by amplifying the signal without transmit diversity on one amplifier and shutting the other amplifier off. Therefore, since one amplifier is shut off, Ruuska does not teach or suggest “sharing the amplification of the second signal between the at least two amplifiers” as recited in independent claim 1 (Emphasis added).

Further, the Examiner indicates that Paulraj teaches the use of a controller 120 in a wireless transmission system capable of selectively enabling or disabling diversity transmission for the purpose of compensating channel conditions. However, even if Paulraj were to teach this particular feature, Paulraj does not disclose or suggest “sharing the amplification of the second signal between the at least two amplifiers” as recited in independent claim 1.

In view of the above arguments, Applicants submit that neither Ruuska nor Paulraj teach or suggest all the features recited in independent claim 1. Withdrawal of the rejection is therefore kindly requested. Claims 3-5 and 7, dependent upon independent claim 1, are allowable over Ruuska and/or Paulraj at least for the reasons set forth above with respect to independent claim 1.

New Claims

New claims 32-35 have been added in an effort to provide further protection for Applicants invention. Applicants submit that claims 32-35 each contain subject matter

indicated allowable by the Examiner. For example, claims 32-34 include allowable subject matter from one of claims 2, 8, 20 and 26. Therefore, Applicants submit that these claims are in condition for allowance, and kindly request such an indication in a next communication from the Examiner.

CONCLUSION

Reconsideration and withdrawal of the objections and rejections and allowance of each of the claims 1-35 is earnestly solicited.

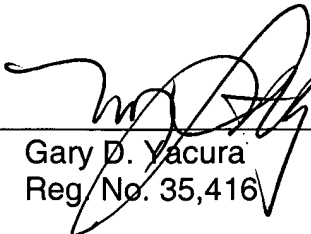
In the event that any matters remain at issue in the application, the Examiner is invited to contact Matthew J. Lattig at (703) 668-8026 (direct) in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By

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